

**GOVERNMENT OF ANDHRA PRADESH
ABSTRACT**

Tribal Welfare Department – Appeal Petition filed by Sri B.Govinda Rao S/o Demudu R/o Visakhapatnam District - against the proceedings (M)R.Dis.No.1253/98/C5, dated 27.12.2005 of the District Collector, Visakhapatnam- under Section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) - Regulation of Issue of Community Certificates Act, 1993 (AP Act No.16/1993) – Appeal Petition dismissed – Orders -Issued.

SOCIAL WELFARE (TW.CV.2) DEPARTMENT

G.O.MS.No. 49

Dated: 24-04-2018
Read the following:

1. Proceedings of the District Collector, Visakhapatnam, (M)R.Dis.No.1253/98/C5, dated 27.12.2005.
2. Orders of the APHC, Hyderabad in WP No. 4591/2006 dated 14.03.2006 filed by Sri B.Govinda Rao S/o Demudu .
3. Appeal Petition filed by Sri B.Govinda Rao S/o Demudu R/o VSP District, dt.06.04.2006.
4. Govt. Memo No.3204/CV.2/2006, dt.22.04.2006.
5. From the District Collector, Visakhapatnam , Lr No. RC No. 238 /2006/C5, Dated 22.6.2006.
6. Govt. Memo No. 3204/CV.2/2006, dated 31.07.2006, 20.8.2007, 01.09.2007, 17.01.2013 & 13.11.2015.
7. Govt. Memo No. 3204/CV.2/2006, dated 02.06.2017.

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ORDER:

In the reference 1st read above, the District Collector, Visakhapatnam has issued orders cancelling ST-Bhagatha caste certificate obtained from the then Mandal Revenue Officer, Hukumpeta, Visakhapatnam District in the year 1990 by Sri B.Govinda Rao S/o Demudu.

2. In the reference 2nd read above, the appellant has filed W.P.No.4591/2006 before the Hon'ble High Court against the proceedings of the District Collector, Visakhapatnam dated 27.12.2005. The Hon'ble High Court of A.P., while disposing the said WP on 14.03.2006 has ordered that the petitioner to file an appeal against the impugned order within a period of four weeks from the date of issue of the orders and the appellate authority shall consider the same and pass appropriate orders on merits, as per the procedure contemplated under the provisions of the Act and the Rules made there under.

3. In the reference 3rd read above, Sri B.Govinda Rao S/o Demudu, has filed an Appeal Petition before the Government, against the Proceedings of the District Collector, Visakhapatnam. After examining the said Appeal Petition, Government have admitted the Appeal Petition and called for the parawise remarks and connected records from the District Collector, Visakhapatnam in the reference 4th read above.

4. In the reference 5th read above, the District Collector, Visakhapatnam has furnished the Parawise remarks and the connected records on the Appeal Petition filed by Sri B.Govinda Rao S/o Demudu.

5. The said Appeal Petition has been posted for hearing on 05.08.2006, 31.08.2007, 17.09.2007, 21.01.2013, 28.11.2015 & finally on 24.06.2017 and the same has been informed to the Appellant and the Counsel for the Appellant in the references 6th & 7th read above, and they were requested to attend for the hearing along with all Documentary Evidences/ Certificates in support of the community claim, failing which, it will be construed that there is no explanation what-so-ever to furnish in the matter and that the case will be decided based on the material available with the Government.

[P.T.O]

6. After hearing both the sides and on perusal of the records/ the copies of evidences/academic record/ grounds filed by the Appellant / the parawise remarks submitted by the District Collector, Visakhapatnam and proceedings of the District Collector, Visakhapatnam dated 27.12.2005 the Appellate Authority is observed that :

- I. The appellant has stated that he belongs to ST-Bagatha community and his parents are un-educated , native of Dalimputtu village in the jurisdiction of Sukur Panchayat and his father expired when he was a child of one year, when his mother along with the appellant moved to Olda (V) to eke out her livelihood and his school records show his caste as Bagatha. Further he has stated that his family one of the displaced families for erection of Visakhapatnam Steel Plant and he has no blood relatives, sisters and brothers to look after him after the death of his mother in the year 1972. The enquiry that has been conducted by the MRO is behind his back and he was not put to notice as to who will be the witnesses going to be examined. The action of the Collector, Visakhapatnam in canceling his caste certificate issued by MRO Hukumpeta Mandal No. 1321/90 A2 dt 31.10.1990, is without jurisdiction apart from violation of provisions of law in force.
- II. The District Level Scrutiny Committee has observed that he simply deposed that he does not know the relatives and kith and kin of paternal side and also that of maternal. It indicates that he is concealing the natural facts. After completion of enquiry of the District Level Scrutiny Committee., and ample opportunity had been given to the petitioner by indicating the facts of the enquiry conducted by the MRO, Hukumpeta and later District Level Scrutiny Committee he failed to produce documentary evidence in support of his claim that he belongs to ST Bhagatha Community during the enquiry conducted by the District Level Scrutiny Committee and also he failed in his explanation.
- III. During the local enquiry conducted by the MRO Hukumpeta the villagers given depositions that nobody in the name of Badangi Rao S/o Demudu in Dalemput village and no surname of Badangi Govindfa Rao existed in the village. This fact was concealed by the petitioner in his appeal. The enquiry was conducted on the contents of the petition and it revealed that no person is residing in Ramapuram village of Pendurthi Mandal of VSP district in the name of Badangi Givinda Rao S/o Demudu and the photograph is identified as that of Bagireddy Govinda Rao S/o Demudu belonging to Koppula velama(B.C) Community . As the enquiry stood thus, the petitioner is trying to defy the Collectors order and he is stating that the connected documents were not supplied to him, though, the factual reports were informed to him in the show cause notice. The petitioner is blaming the enquiry at all the stages and he stated here in that the cancellation order was not communicated to him. This contention was not true as the enquiry was completed as per Act & Rules and cancelled the caste certificate. Based on the DLSC findings, the Dist. Collector has cancelled the appellants ST- Bhagatha Caste Certificate.
- IV. Under section 6 of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (AP Act No.16/1993) the burden of proof lies on the Appellant only.
- V. The Appellate Authority is observed that during the course of hearing of the case that the appellant submitted his arguments as per his grounds in appeal petition and stated that the lower authority failed to observe that he was granted Bhagatha(ST) certificate as per rules and the cancellation was without jurisdiction and in violation of provisions of law in force as such the same is not sustainable and shall be presumed that he belongs to ST Bhagatha community.
- VI. On verification of the documents and the grounds of appeal and Para Wise remarks as well as the other documents and material available on the record it is noticed that except the above contention nothing was placed for appreciation of the case of the appellant and he failed to produce any

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evidence to prove that he belongs to ST Community and moreover the enquiry reveals that the appellant does not belong to ST Bhagatha community. It is further brought to the notice that the certificate earliest issued to the appellant in a routine manner without proper verification and after conducting detailed and though enquiry into the caste status of the appellant the same was cancelled. Thus as per the rule (6) of the Act 16, 1993 that the burden of proving that, the appellant belongs to particular caste shall be on the appellant and it is the responsibility of the appellant to produce the order after reasonable appreciating the evidence available on record as per law which deserves no interference. Hence it is apparent that the appeal is devoid of any merits and there is no infirmity either in the findings of the DLSC or the learned District Collector, Visakhapatnam District. That taking consideration of the above and the material available on the record that it can be concluded that the lower authority passed the order as per law which does not deserve any interference.

7. In view of the several reasons recorded in the paras supra, the Government, in exercise of the powers conferred under Section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (Act No16 of 1993), decide that the appeal petition filed by Sri B.Govinda Rao S/o Demudu, does not deserve any interference. Hence, Proceedings of the District Collector, Visakhapatnam issued vide (M)R.Dis.No.1253/98/C5, dated 27.12.2005, is hereby upheld and the Appeal Petition filed by Sri B.Govinda Rao S/o Demudu, is hereby dismissed .

8. The District Collector, Visakhapatnam is directed to take necessary consequential action in the matter.

9. The records (containing (M)R.Dis.No.1253/98/C5, pages: CF: 1-176 & NF: 1-26) received from the District Collector, Visakhapatnam through in the reference 5th read above, are returned herewith in original to the District Collector, Visakhapatnam and he is requested to acknowledge the receipt of the same, immediately.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**S.S. RAWAT
PRINCIPAL SECRETARY TO GOVERNMENT**

To
The District Collector, Visakhapatnam.
(with original records) (BY RPAD)

Sri B.Govinda Rao S/o Demudu R/o D. No. 13-171, RRV Puram,
Gopala Patnam Visakhapatnam District .

The Assistant General Manager,(Persnl.)-M&C
Rastriya Ispat Nigam Ltd., Visakhapatnam Steel Plant,
Visakhapatnam-530031.

Copy to :

The Director, TCR& TI, AP, Amaravathi.
The PS to M(SWE& TWE).
The PS to Prl. Secretary(SW& TW).

// FORWARDED:: BY ORDER //

SECTION OFFICER